

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6678

BILL NUMBER: HB 1198

NOTE PREPARED: Jan 31, 2005

BILL AMENDED: Jan 27, 2005

SUBJECT: Student Suspensions and Expulsions.

FIRST AUTHOR: Rep. Thompson

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill requires schools to report the reasons for student suspensions and expulsions to the Department of Education (the Department). The bill authorizes an agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a school corporation. The bill provides that the court shall either supervise the student or order the supervision of the student. The bill provides that the court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court. The bill provides that the school corporation and the court shall determine how the costs of supervising a student under the agreement shall be paid.

The bill allows the school corporation to disclose the education records of a student who has been suspended or expelled to a court. The bill provides that (1) a student's appearance in court shall not be used against the student, the student's parent, or guardian in any subsequent court proceeding, (2) all records of a student's court appearance shall be expunged upon the student's completion of the court assisted resolution of suspension and expulsion program, and (3) a parent, guardian, or legal counsel has the right to be present during the student's court appearance.

Effective Date: July 1, 2005.

Explanation of State Expenditures: (Revised) The Department currently reports several of the expulsion and suspension categories listed in the bill. The Department's current level of resources should be sufficient to implement the reporting requirements of the bill.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Summary:* The impact of the bill to local expenditures is indeterminable and would vary by county depending on local action.

Under the bill, courts having juvenile jurisdiction and school corporations would have the option to enter into an agreement to place students that have been either suspended or expelled into a supervisory program, devised by either the court or the school. Under the bill, a school corporation may not be required to expend more than the target revenue per adjusted ADM (average daily membership) for each student referred to the program. The FY 2005 statewide average target revenue per adjusted ADM is approximately \$5,300. A typical school corporation's target revenue per adjusted ADM varies from approximately \$4,700 to \$7,800 in FY 2005. If an agreement were entered into between a school corporation and court, the school corporation's disciplinary rules would have to specify when the student would be referred to the court.

Parents of students would be required to be notified of a referral to appear at a court hearing.

Supervisory programs could include an alternative school and could require additional education and/or court personnel to staff the alternative school. Additional expenditure may be required for the rental of a facility to house an alternative school. However, the school corporation and the juvenile court would have the option to determine the type of supervisory program and the funding of the expenses for a program.

Background Information: Currently, a few school corporations have cooperative agreements with the courts for alternative programs. Western Boone Community School Corporation in cooperation with the Lebanon School Corporation already have an established program with the Boone County Circuit Court. Both school corporations expend approximately \$48,000 plus minimal materials cost per school year to fund the alternative school that operates within Boone County. Expenditures include the salary and benefits of one additional staff member and photocopies of instructional materials. The Boone County program is designed for students that have been suspended for ten days or less. These school corporations, combined, had 202 separate incidents of out-of-school suspension in the 2003-2004 school year. The duration of each suspension is not known. Western Boone had funded their share of the program with some of their at-risk grant. However, given the restructuring of school funding, the school corporation currently funds the program through their general fund, which includes state school formula dollars and property tax revenue.

For the 2003-2004 school year, Indiana's average daily membership (ADM) consisted of 974,723 students, and public school enrollment totaled 1,010,688. Approximately 2,000 public schools were in operation within Indiana's 294 school corporations during that time.

The following table illustrates the number of suspensions and expulsions from school year 2000 to 2004.

Suspensions and Expulsions for School Years 2000-2004		
YEAR	SUSPENSIONS	EXPULSIONS
2004*	296,918	6,744
2003	267,724	5,795
2002	308,605	6,095
2001	287,804	6,781
2000	295,099	7,307
* Data available as of January 2005		

Report of Student Expulsion/Suspension Reasons: Under the bill, schools would be required to report to the Department the total number of expulsions and suspensions for the following categories: Alcohol, Drugs, Deadly Weapons (not firearms), Handguns, Rifles/Shotguns, Other Firearms, Tobacco, Attendance, Destruction of Property, Legal Settlement, Fighting, Battery, Intimidation, Verbal Aggression or Profanity, Defiance, and Other. School officials may require additional administrative time to compile and send the required data. Schools should be able to comply with this provision within existing resources.

Adoption of Discipline Rules: Local school boards would likely be able to amend their written discipline rules to include court assisted resolution of suspensions and expulsions within regularly scheduled business meetings.

Explanation of Local Revenues:

State Agencies Affected: Department of Education, State Board of Education.

Local Agencies Affected: Local courts and school corporations.

Information Sources: DOE SAS and ORACLE DATABASES; Mr. Ken Hull, Superintendent, Western Boone Community School Corporation.

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